

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

832U0592

## SENATE BILL NO. 174

Introduced by: Senator Lederman and Representatives Hoffman and Stevens

1 FOR AN ACT ENTITLED, An Act to provide that an out-of-country foreign judgment need not  
2 be recognized if the cause of action resulted in a defamation judgment obtained in a  
3 jurisdiction outside the United States, unless a court in this state first determines that the  
4 defamation law applied in the foreign court's adjudication provided at least as much  
5 protection for freedom of speech and press as would be provided in this state by enacting  
6 the free speech defense Act.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

8 Section 1. An out-of-country foreign judgment need not be recognized if the cause of action  
9 resulted in a defamation judgment obtained in a jurisdiction outside the United States, unless  
10 the court sitting in this state before which the matter is brought first determines that the  
11 defamation law applied in the foreign court's adjudication provided at least as much protection  
12 for freedom of speech and press in that case as would be provided by the United States  
13 Constitution and the Constitution of the State of South Dakota.

14 Section 2. For the purposes of rendering declaratory relief with respect to a person's liability  
15 for a foreign defamation judgment and determining whether the foreign defamation judgment



1 should be deemed nonrecognizable under section 1 of this Act, the courts of this state have  
2 personal jurisdiction over any person who obtains a judgment in a defamation proceeding  
3 outside the United States against any person who:

4 (1) Is a resident of this state;

5 (2) Has assets in this state; or

6 (3) May have to take action in this state to comply with the judgment.

7 Section 3. This Act applies to judgments rendered in defamation proceedings outside the  
8 United States before, on, or after July 1, 2010, but does not apply to any out-of-country foreign  
9 judgment already recognized by the courts of this state prior to July 1, 2010.